

CHAPTER 5 (Revised 9/7/04)

CITY COUNCIL

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Section 1. City Council; composition.

The council shall consist of seven members elected by the voters at large.

Section 2. Qualifications of council members.

Council members shall be qualified city voters. Candidates for council shall have resided in the city for [_____] days preceding the date of election.

A council member who ceases to be a voter in the city immediately forfeits office.

Section 3. Election of council members; terms.

The regular general election for council members and other elected city officials shall be held each year on the first Tuesday in October to choose council members for staggered three year terms and until successors are elected and have qualified. The first council elected after incorporation shall serve staggered one, two, and three-year terms that will rotate into staggered three year terms. Council members' terms of office begin on the first Monday following certification of the election. Notice of the election must be posted in three (3) public places for thirty (30) days preceding the date of election.

Council seats are designated and terms expire as follows:

- Seat A- term expires in 2007, then 2010, 2013, etc.
- Seat B- term expires in 2007, then 2010, 2013, etc.
- Seat C- term expires in 2007, then 2010, 2013, etc.
- Seat D- term expires in 2005, then 2008, 2011, etc.
- Seat E- term expires in 2005, then 2008, 2011, etc.
- Seat F- term expires in 2006, then 2009, 2012, etc.
- Seat G- term expires in 2006, then 2009, 2012, etc.

Section 4. Oath of office.

All officers whether elected or appointed before entering upon the duties of office shall affirm in writing the following oath or affirmation:

"I _____ do solemnly swear (or affirm) that I will support the Constitutions and laws of the United States and the State of Alaska, and the laws and ordinances of the City of _____, Alaska, and that I will honestly, faithfully and impartially discharge my duties as _____ to the best of my ability.

The oath is filed with the city clerk.

Section 5. Compensation of council members.

Elected officials [may] [may not] receive compensation for service to the municipality in addition to compensation received as an elected official. A separate stipend of \$_____ shall be paid to each council member for each meeting attended on city business. Per diem payments or reimbursements for expenses are not compensation under this section.

Section 6. Conflicts of interest.

If a council member has a substantial financial interest in an official action, the council member shall declare that interest and ask to be excused from a vote on the matter. The procedures spelled out in Chapter 74, Section 6(C) shall be followed. Refer to Chapter 74, Section 6 for conflicts of interest, prohibitions, and disclosure in general.

Section 7. Vacancies.

An elected city office is vacated under the following conditions. The council shall declare an elective office, other than the office of mayor, vacant when the person elected:

- A. Fails to qualify or take office within thirty days after his election or appointment;
- B. Is physically absent from the city for ninety consecutive days unless excused by the council;
- C. Resigns and his resignation is accepted;
- D. Is physically or mentally unable to perform the duties of his office as determined by two-thirds vote of the council;
- E. Is convicted of a felony or an offense involving a violation of the oath of office;
- F. Is convicted of a felony or misdemeanor described in A.S. 15.56 and two-thirds of the members of the council concur in expelling the person elected;
- G. Is convicted of a violation of A.S. 15.13;
- H. No longer physically resides in the city and the council by two-thirds vote declares the seat vacant; or
- I. If a member of the council misses three consecutive regular meetings and is not excused.

Section 8. Recall.

- A. An official who is elected or appointed to an elective city office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed.
- B. Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties.
- C. Procedures to be followed for a recall petition and election are those set out in A.S. 29.26.260-340.
- D. If a council member is recalled, that office is filled in accordance with Section 9 of this chapter. If all members of the council are recalled, the governor shall appoint three qualified persons to the council. The appointees shall appoint additional members to fill remaining vacancies in accordance with Section 9 of this chapter. A person appointed to the council serves until a successor is elected and takes office.
- E. If an official other than a member of the city council is recalled, a successor shall be elected to fill the unexpired portion of the term. The election shall be held not sooner than 45 days after the date the recall election is certified, except that if a regular election occurs within 75 days after certification the successor shall be chosen at that election. Nominations for a successor may be filed until seven days before the last date on which a first notice of the election must be given. Nominations may not be filed before the certification of the recall election.

Section 9. Filling a vacancy.

If a vacancy occurs in the city council, the remaining members shall, within 30 days appoint a qualified person to fill the vacancy. If less than 30 days remain in a term, a vacancy may not be filled, unless, the membership of the council is reduced to fewer than the number required to constitute a quorum, then the remaining members shall within seven days, appoint a

number of qualified persons to constitute a quorum. A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term.